

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

THIRTY-SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 12, 2009

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators LeFavour, Lodge, McKenzie, and Acting Senator Sagness, absent and formally excused by the Chair; and Senators Andreason, Cameron, Coiner, Keough, and Pearce, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Kendra Knighten, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 11, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Keough was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 103

BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND
REJECTING A CERTAIN RULEMAKING DOCKET OF
THE DEPARTMENT OF ENVIRONMENTAL QUALITY
RELATING TO INDIVIDUAL/SUBSURFACE SEWAGE
DISPOSAL RULES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rulemaking docket of the Department of Environmental Quality relating to Individual/Subsurface Sewage Disposal Rules is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 58.01.03, rules governing Individual/Subsurface Sewage Disposal Rules, Rules of the Department of Environmental Quality, adopted as a pending rule under Docket Number 58-0103-0801, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

[SCR 103](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 12, 2009

The JUDICIARY AND RULES Committee reports that [S 1080](#) and [S 1081](#) have been correctly printed.

DARRINGTON, Chairman

[S 1080](#) was referred to the Commerce and Human Resources Committee.

[S 1081](#) was referred to the Local Government and Taxation Committee.

February 11, 2009

The FINANCE Committee reports out [H 66](#) and [H 67](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 66](#) and [H 67](#) were filed for second reading.

February 12, 2009

The EDUCATION Committee reports out [HCR 9](#) with the recommendation that it do pass.

GOEDDE, Chairman

[HCR 9](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 11, 2009

The HEALTH AND WELFARE Committee reports out [S 1073](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1073](#) was filed for second reading.

February 11, 2009

The TRANSPORTATION Committee reports out [S 1053](#), [S 1055](#), and [S 1061](#) with the recommendation that they do pass.

MC GEE, Chairman

[S 1053](#), [S 1055](#), and [S 1061](#) were filed for second reading.

Senators Cameron, Coiner, Corder, and Pearce were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Tom Katsilometes was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bilyeu, seconded by Senator Darrington, the Gubernatorial appointment of Tom Katsilometes as a member of the State Athletic Commissioner was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Ted Hoffman was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Corder, seconded by Senator Kelly, the Gubernatorial appointment of Ted Hoffman as a member of the Idaho State Racing Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1082

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PUBLIC ASSISTANCE AND WELFARE; REPEALING SECTION 56-1019, IDAHO CODE, RELATING TO SERVICES TO VICTIMS OF CYSTIC FIBROSIS.

S 1083

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO FOOD ESTABLISHMENTS; AMENDING SECTION 39-1602, IDAHO CODE, TO DEFINE

ADDITIONAL TERMS; AND AMENDING SECTION 39-1607, IDAHO CODE, TO PERMIT THE DEPARTMENT OF HEALTH AND WELFARE'S DESIGNATED REGULATORY AUTHORITY TO CHARGE FOOD ESTABLISHMENTS A LICENSING FEE, TO REVISE LICENSE FEES FOR SPECIFIED FOOD ESTABLISHMENTS, TO PROVIDE TERMS AND CONDITIONS ON CERTAIN LICENSES, TO REMOVE REFERENCE TO THE FOOD SAFETY FUND AND TO MAKE TECHNICAL CORRECTIONS.

S 1084

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE STATE LOTTERY; AMENDING SECTION 67-7434, IDAHO CODE, TO REVISE DISTRIBUTION OF LOTTERY DIVIDENDS FOR A THREE YEAR PERIOD AND TO DELETE OBSOLETE LANGUAGE.

S 1085

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION AND PUBLIC CHARTER SCHOOLS; TO PROVIDE LEGISLATIVE INTENT; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE FOR A TEMPORARY MORATORIUM ON THE CREATION OF PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 33-5208, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

[S 1082](#), [S 1083](#), [S 1084](#), and [S 1085](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1066](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 61](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1060](#), by Education Committee, was read the second time at length and filed for third reading.

[H 20](#) and [H 22](#), by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Andreason was recorded present at this order of business.

[H 6](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, McGee, McKague, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 30.

NAYS–None.

Absent and excused–Andreason, LeFavour, Lodge, McKenzie, Sagness (Malepeai). Total - 5.

Total - 35.

Whereupon the President declared [H 6](#) passed, title was approved, and the bill ordered returned to the House.

[H 7](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Davis, granted by unanimous consent, the following typographical correction was made to [H 7](#), pursuant to Senate Rule 9(F):

On page 1 of the printed bill, line 23,
change "effect" to "affect".

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, McGee, McKague, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 31.

NAYS–None.

Absent and excused–LeFavour, Lodge, McKenzie, Sagness (Malepeai). Total - 4.

Total - 35.

Whereupon the President declared [H 7](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:05 a.m. until the hour of 11 a.m., Friday, February 13, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary